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09/057,313	04/08/98	MCCOWN	J 033449-002

027805
THOMPSON HINE L.L.P.
2000 COURTHOUSE PLAZA , N.E.
10 WEST SECOND STREET
DAYTON OH 45402

TM02/0601

EXAMINER

MCALLISTER, S

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 06/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/057,313

Applicant(s)

McCown et al

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 17, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-31 is/are pending in the application.
- 4a) Of the above, claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16, 21, 22, 25-27, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman.

Freeman inherently discloses selecting containers suited to a marine environment since it discloses shipping palletized packaged sugar on a barge (col. 1, lines 26-27). He discloses individually lifting of those containers (col. 1, lines 28-30) transporting them with the forklift onto a ship and stacking them there (col. 1, lines 28-30). This operation discloses positioning and securing via gravity to the deck or another container of sugar. Freeman also shows using a ramp to move a forklift to and from a ship (see Fig. 3).

As to claim 22, Freeman inherently discloses selecting containers suited to a marine environment since it discloses shipping palletized packaged sugar on a barge (col. 1, lines 26-27). He discloses individually lifting of the containers (col. 1, lines 31-32) since the transport vehicles are forklifts and he discloses transporting them with the forklift from the ship and stacking them the dock in a warehouse (col. 1, lines 31-32). This operation discloses positioning and securing

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via gravity to the deck or another container of sugar. Freeman also shows using a ramp to move a forklift to and from a ship (see Fig. 3).

As to claim 25, Freeman also inherently discloses repeating the lifting step since multiple forklift trips are necessary to load a large number of loads on a ship. Freeman also shows towing a marine vessel (col. 2, line 24).

As to claim 21, Freeman also shows unloading the containers at a destination (col. 1, lines 31-33).

As to claim 26, it is noted that in loading a ship it is inherent that the forklift release the container or one forklift would be required for each container.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-19, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Backteman et al.

Freeman discloses all elements of the claims except the use of twistlocks. Backteman et al discloses the use of twistlocks. It would have been obvious to one of ordinary skill in the art to

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modify the method of Freeman by using twistlocks as taught by Backteman et al in order to more securely hold down the containers.

As to claims 18 and 19, it is noted that Backteman et al discloses containers C capable of allowing interconnection of containers by semi-automatic (Fig. 2) twistlocks in a stacked environment. Both Backteman et al (Fig. 1) and Freeman (pg. 1, col. 1, line 29) disclose stacking containers.

As to claim 24, it is noted that Backteman et al discloses containers C capable of allowing interconnection of containers by semi-automatic (Fig. 2) twistlocks in a stacked environment. Both Backteman et al (Fig. 1) and Freeman (pg. 1, col. 1, line 29) disclose stacking containers. Freeman additionally discloses offloading the ship with a reach stacker comprising a forklift (pg. 1, col. 1, lines 31-32) and towing to a destination site (p. 1, col. 2, line 24).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Teubert.

Freeman discloses all elements of the claim except securing the ramp to a longitudinal rail on the ship. Teubert discloses securing ramp J to the longitudinal rail seen in Figs. 1 and 2. It would have been obvious to one of ordinary skill in the art to modify Freeman by securing the ramp to a longitudinal rail in order to make the ramp's connection more stable and avoid accidents with the forklifts.

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6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman in view of Charles.

Freeman discloses all elements of the claim except grasping the container. Charles shows a gripping device gripping container 18. It would have been obvious to one of ordinary skill in the art to modify the method of Freeman by using the vehicle with a gripping device discloses in Charles in order to prevent accidents while going over the ramp or over bumps in general.

Response to Arguments

7. Applicant's arguments filed 3/7/01 have been fully considered but they are not persuasive.

Regarding applicant's arguments against the Freeman reference, it is noted that the method cited in the rejection was prior art at the time of the Freeman reference and does not represent the invention of Freeman.

Regarding the arguments to claims 29-31, the containers, comprising the pallet assemblies, are loaded before the containers are loaded onto the ship.

Regarding the arguments to claim 17, a pallet is capable of carrying twistlock assemblies, since a pallet is a rigid assembly.

Regarding the arguments to claim 19, the combination of Freeman in view of Bucketman et al shows all elements necessary to stack containers, and to connect them via twistlocks.


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Conclusion


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.


Steven B. McAllister

May 30, 2001


ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600-2100